

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

JAMESINA CRAWFORD, et al.)
Plaintiffs,)
v.) Case No.: 4:14-cv-00130-
NEWPORT NEWS INDUSTRIAL CORPORATION,) AWA-LRL
Defendant.)

**PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE SUR-REPLY
IN FURTHER OPPOSITION TO DEFENDANT'S MOTION TO SEVER OR
BIFURCATE**

Plaintiffs, by counsel, move for leave to file a four page Sur-Reply in further opposition to Defendant's Motion to Sever or in the Alternative to Bifurcate Plaintiffs' Claims into Separate Trials, Dkt. No. 82. The proposed Sur-Reply is attached hereto as Exhibit A. Defendant does not oppose Plaintiffs' motion to file the Sur-Reply.¹

Defendant filed its motion to sever or bifurcate on March 22, 2016, Plaintiffs filed their Response on April 12, 2016, and Defendant filed its Reply on May 2, 2016. See Dkt. Nos. 82, 97, 102. Defendant's Reply contained three misrepresentations concerning relevant caselaw, including but not limited to accusing Plaintiffs of "replacing" important language in a direct quotation from a case, *see* Def. Reply at 8-9, which in fact Plaintiffs did not do. *See* Proposed Sur-Reply, Exh. A. The misrepresentations in Defendant's Reply pose a risk of impacting this Court's analysis of whether Plaintiffs' claims are properly joined. Without recapitulating the

1 Defendant does not oppose the motion to file the sur-reply, but is not agreeing to Plaintiffs' reasons for filing or the contents of the sur-reply itself.

arguments in their Response, Plaintiffs seek leave to file their brief Sur-Reply solely to correct these specific misrepresentations and ensure an accurate record is available to the Court.

Wherefore, Plaintiffs respectfully request that the Court grant Plaintiffs' motion for leave to file the proposed Sur-Reply attached as Exhibit A.

Respectfully Submitted,

JAMESINA CRAWFORD, et al

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CERTIFICATE OF SERVICE

I hereby certify that May 5, 2016, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to all counsel of record.

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